

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 19 CR 277
)	
CONCEPCION MALINEK,)	Honorable Edmund E. Chang.
)	
Defendant.)	

**DEFENDANT'S UNOPPOSED MOTION
TO RESCHEDULE SENTENCING HEARING**

NOW COMES the defendant, **CONCEPCION MALINEK**, by and through her attorney, **ROBERT L. RASCIA**, and respectfully moves this Honorable Court to enter an order rescheduling the sentencing hearing in this matter.

In support thereof the defendant, through counsel, states as follows:

1. The defendant entered a plea of guilty to Count Ten of the superseding indictment in this matter on July 28, 2020, at which time a sentencing date of October 26, 2020 was scheduled.
2. The defendant entered a guilty plea through a plea declaration.
3. The defendant and counsel participated in a telephonic presentence investigation interview on August 24, 2020. The defendant's interview was conducted telephonically because she was in custody at the Livingston County Jail, and in-person visits have not been allowed there.
4. Through multiple video meetings and telephone conferences, counsel has essentially completed review of the presentence investigation report and other related materials with the defendant. Based upon directions from the defendant, counsel has also

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contacted and interviewed witnesses that the defendant desires to call as witnesses at her sentencing hearing. Counsel has not completed the necessary discussions with the defendant regarding the results of these witness interviews. Counsel has also not completed the necessary discussions regarding potential objections to the presentence investigation report, specifically, objections relating to a guideline enhancement and the underlying facts that the government may rely upon to support those enhancements.

5. These conversations have been interrupted because all attorney-client communications have been cancelled by the Livingston County Sheriff due to a recent COVID outbreak at of the Livingston County Jail. Counsel was notified of this decision on the morning of November 9, 2020. Since that notification, counsel has regularly communicated with the Livingston County Jail to inquire when attorney-client communications will be permitted to resume. The correctional staff at the Livingston County Jail have indicated that the decision to cancel attorney-client communications with inmates will not be reassessed until November 23, 2020. Additionally, the defendant is insisting on an in person meeting with counsel prior to the date of her sentencing. This in-person consultation will immediately occur as soon Livingston county jail is willing to accommodate in-person visits again.

6. Additionally counsel's efforts to resolve these issues prior to the upcoming sentencing hearing have also been further complicated by counsel's own health issues. Counsel is currently in quarantine because he has tested positive for COVID 19.

7. Respectfully Counsel is requesting that the sentencing be rescheduled for a date after January 8, 2021.

8. Counsel has discussed this request with AUSA Christopher Parente, he does not oppose this motion.

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WHEREFORE the defendant respectfully requests this Honorable Court to reschedule the sentencing hearing in this matter to a date after January 8, 2021.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert L. Rascia", written in a cursive style.

ROBERT L. RASCIA,
Attorney for the Defendant

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